

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated July 30, 2008. In the Office Action, the examiner rejected claims 1 – 4 and 6 – 7 under 35 USC 102(b) as being anticipated by Massaro and rejected claims 5, 8, and 9 under 35 USC 103(a) as being unpatentable over Massaro.

In the forgoing amendment, the applicant has made minor amendments to the Specification to correct mislabeled indicia numbers and grammatical errors. The applicant has also amended claim 1 to clarify the description of the bus as including a rearward panel and a forward panel with the spacing between them forming a cavity with the plurality of contact strips extending between the forward and rearward panels. The bus has a downwardly directed opening that communicates with the cavity. The rearward panel bears indicia number 38 in the Specification and the forward panel bears indicia number 40 and the orientation of the parts including the cavity are described on page 8 lines 19 through page 9 line 3. Claim 1 has also been amended to clarify that the pricing unit has a forward panel for displaying pricing information and that a rearward member joins the forward panel at the bottom thereof and is removably receivable in the downwardly directed opening of the bus for removably attaching the pricing unit thereto. The pricing unit bears indicia number 52 and is described on page 9 lines 15 through 21 and the configuration of both the bus and the pricing unit is depicted in Figs. 4 through 7.

Claim 2 has been amended to clarify that the products bear electronically readable product identification numbers and that each pricing unit bears an electronically readable identification number. The applicant acknowledges that it is well known that nearly all products are sold with an electronically readable product identification number printed thereon. Claim 2 has also been amended to add a handheld wand for reading the product identification number and reading the identification number of the display unit and for transmitting the numbers to the control unit for connecting the pricing information for one of the products to one of the pricing display units. These elements are also set forth in claim 8, which was originally dependent on claim 7 which in turn was dependent on claim 2.

The wand bears indicia number 130 and the identification number in electronically readable form on the display unit bears indicia number 140. The parts are depicted in Figs. 8 and 11 and the use of the wand to transmit information to the control station 102 for alignment of the display unit to display the price of the product 20 is described on page 14 lines 3 through 10 of the Specification.

Claim 5 has been amended to be dependent upon claim 1, and includes a number of minor amendments including changing the words "stock number" to "product identification number". Claim 8 has also been made dependent on claim 1 and claim 9 directly dependent on claim 7.

Claim 6 has been made dependent upon claim 1 and includes a serrated surface on the bus that is engaged by a surface on the pricing unit to prevent

sliding movement of the pricing unit with respect to the bus. The serrated surface is depicted in Fig. 7 and bears indicia number 100 which are engaged by surface 98 of the display unit 52 as described on page 11 lines 17 through 21.

New claims 10 through 13 have been added with claims 10 and 11 dependent upon claim 1 and claims 12 and 13 dependent upon claim 2. Claims 10 and 12 clarify that the rearward member of the display unit includes means for preventing the manual removal of the display unit and the device further includes a tool having a working end formed solely for releasing the rearward member from the bus such that the pricing unit cannot be removed without the tool. Claims 11 and 14 further describe the tool as including an elongate rod which is receivable in a hole in the pricing unit for directing the rod toward the rearward member to thereby release the rearward member from the bus. The removal tool bears indicia number 90, the rods bear indicia number 94 and 96, the holes bear indicia number 86 and 88. The parts are depicted in Figs. 9 and 10 and described on page 11 lines 5 through 16 of the Specification.

The applicant hereby traverses the rejection of amended claim 1 as anticipated by Massaro. As described above, amended claim 1 now clarifies that the bus includes a rearward panel, forward panel, a cavity, and a downwardly directed opening communicating with the cavity. The pricing unit includes a forward panel for displaying pricing information and an upwardly directed rearward member that is removably received in the downwardly directed opening of the bus for removably retaining the price display unit to the bus. The Massaro reference, on the other hand, discloses a bus having a forward surface with a

plurality of price display units permanently mounted in space relationship along the length of the bus. The price display units do not include an upwardly directed member that is insertable into a downwardly directed opening in the bus for retaining the price display unit to the bus as required by amended claim 1. In addition to the direct teachings of Massaro, Massaro includes summaries of numerous elements of prior art, however none of those references describe the structure of amended claim 1. Accordingly, the applicant submits that amended claim 1 is neither anticipated by nor obvious over Massaro.

In similar fashion, the applicant hereby traverses the rejection of amended claim 2 as being anticipated by Massaro. Amended claim 2 recites that each pricing unit bears an electronically readable identification code and that a handheld wand is used to read one product identification number and read one pricing display unit identification number and transmit the numbers to the control unit for connecting the information and for displaying pricing information for the said one of said products on the said one of said pricing units. The critical element is that each pricing display unit bears an electronically readable identification number (page 14 lines 3 through 10 of the Specification) and the wand is used to read this identification number to coordinate the product with the appropriate price display unit. Massaro, on the other hand, employs address codes from the various display units with the codes arranged in accordance with their position along the length of the bus (Massaro, paragraph 63). The information for each product is assigned to be displayed in a product display unit having an address that is immediately below where the product is being

displayed. There is no need for an electronically readable code on the price display unit as required by claim 2 and therefore Massaro fails to anticipate amended claim 2.

Claim 5 is dependent upon claim 1 and requires that the pricing unit have a receiver for receiving electronic communications directly from the pricing unit. The pricing unit can therefore be programmed to display the prices of a particular product by employing the handheld unit. The applicant submits that this feature is not disclosed in the Massaro reference. Therefore, the applicant submits that claim 5 is clearly allowable.

Amended claim 6 requires the provision of a serrated surface on the bus and an engagement surface on the pricing unit for locking the pricing units against sliding movement with respect to the bus. In rejecting claim 6 the examiner has asserted that the pricing units of Massaro are locked against sliding movement, and that is true in the sense that the pricing units of Massaro are built into the forward surface of the bus and therefore are non-slideable. Claim 6 is dependent upon claim 1 in which is clear that the pricing unit and the bus are separable items and claim 6 clarifies that the pricing unit cannot be moved with respect to the bus because it includes an engagement surface that interacts with the serrated surface to prevent sliding movement. This structure is not disclosed in any of the references and therefore the applicant submits that claim 6 is independently patentable.

Claim 7 is dependent upon claim 2 and describes the control unit 108 that includes a receiver that interacts with the control station 102. Claim 7 is believed to be allowable for the same reasons as claim 2.

Claim 8 has been made dependent on claim 1 and is allowable for the same reason as claim 1. Also, the applicant believes that the provision of an electronically readable code on the price display unit for linking the pricing of a given product to the price display unit is independently patentable.

Claim 9 is now dependent on claim 7, which is dependent on claim 2. Claim 9 is believed allowable for the same reason as claim 2.

New claims 10 and 11 are dependent upon claim 1 and provide that the rearward member of the price display unit includes means for preventing the manual removal of the display unit from the bus, and a separate tool is provided having an end formed for engaging the price display unit for releasing the rear member from the bus such that the price display unit cannot be removed without the tool. The use of such a tool is not disclosed in any of the references. Claim 11 further describes the tool as including a rod that is receivable in a hole on the price display unit for disconnecting the parts. Claims 12 and 13 are similar to claims 10 and 11 but are dependent upon claim 2. Since this feature is not disclosed in any of the references, the applicant submits that these claims are all independently patentable.

In view of the forgoing, the applicant submits that the present application is now in condition for allowance and favorable reconsideration and allowance is requested.

Respectfully Submitted,

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